

## **ARTICLE 16**

### **DEVELOPMENT PLANS**

#### **TABLE OF CONTENTS**

<b>PART 1</b>	<b>16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS</b>
SECTION	
16-101	General Standards
16-102	Design Standards
<b>PART 2</b>	<b>16-200 PROCEDURES FOR REVIEW AND APPROVAL OF A PRC DISTRICT</b>
SECTION	
16-201	Comprehensive Plan Approval
16-202	Rezoning to a PRC District
16-203	PRC Plan Approval
16-204	Site Plan/Subdivision Plat Preparation
<b>PART 3</b>	<b>16-300 SUBMISSION REQUIREMENTS FOR A PRC DISTRICT</b>
SECTION	
16-301	Comprehensive Plan Amendment
16-302	Development Plan
16-303	PRC Plan
<b>PART 4</b>	<b>16-400 PROCEDURES FOR REVIEW AND APPROVAL OF ALL P DISTRICTS EXCEPT THE PRC DISTRICT</b>
SECTION	
16-401	Conceptual Development Plan Approval
16-402	Final Development Plan Approval
16-403	Site Plan/Subdivision Plat Preparation, Building Permit, Residential Use Permit and Non-Residential Use Permit
16-404	Required Recreational Facilities in PDH, Planned Development Housing, PDC, Planned Development Commercial and PRM, Planned Residential Mixed Use Districts
<b>PART 5</b>	<b>16-500 SUBMISSION REQUIREMENTS FOR ALL P DISTRICTS EXCEPT THE PRC DISTRICT</b>
SECTION	
16-501	Conceptual Development Plan
16-502	Final Development Plan

## FAIRFAX COUNTY ZONING ORDINANCE

## **ARTICLE 16**

### **DEVELOPMENT PLANS**

#### **PART 1     16-100   STANDARDS FOR ALL PLANNED DEVELOPMENTS**

##### **16-101     General Standards**

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1.     The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2.     The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3.     The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4.     The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5.     The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6.     The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

##### **16-102     Design Standards**

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1.     In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

## FAIRFAX COUNTY ZONING ORDINANCE

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

## DEVELOPMENT PLANS

### **PART 2     16-200   PROCEDURES FOR REVIEW AND APPROVAL OF A PRC DISTRICT**

All proposed developments of a PRC District, as permitted by the provisions of Part 3 of Article 6, shall be subject to the following procedures for review and approval.

#### **16-201     Comprehensive Plan Approval**

1. A PRC District may only be established in an area designated on the adopted comprehensive plan for a planned residential community. Therefore, before the initial establishment of a PRC District, the applicant shall propose an amendment to the adopted comprehensive plan to permit a planned residential community, which shall contain not less than 750 contiguous acres under one ownership or control.
2. Such comprehensive plan amendment shall be presented in at least the same level of detail as the adopted comprehensive plan for the area under consideration. In particular, the amendment shall be prepared in accordance with the provisions of Sect. 301 below.
3. In conjunction with the submission of a proposed comprehensive plan amendment, the applicant shall submit a general development schedule showing the approximate time frame of the development.
4. Ten (10) copies of the proposed comprehensive plan and development schedule shall be submitted to the Director of the Department of Planning and Zoning (DPZ) along with a written request for the consideration of an amendment to the adopted comprehensive plan.
5. Upon receipt, the Director of DPZ, in accordance with adopted procedures for consideration of comprehensive plan amendments, shall cause a thorough review of the proposed amendment by all appropriate agencies. Upon a finding that additional information may be needed to complete the review, the Director of DPZ shall request same of the applicant.
6. As part of the review, the Director of DPZ shall cause a complete analysis of the proposed development schedule and the impact of the development on all public facilities and utilities.
7. Upon completion of such review, the plan amendment shall be submitted to the Planning Commission.
8. The Planning Commission shall hold a public hearing to consider the comprehensive plan amendment and shall forward its recommendation for approval, approval with modifications, or disapproval to the Board. The Board shall hold a public hearing thereon and shall approve, approve with modifications, or disapprove the proposed amendment.
9. When approved, the comprehensive plan for a planned residential community shall constitute a part of the adopted comprehensive plan of the County and shall be subject to review and revision from time to time. Any revision to the adopted comprehensive plan initiated by an applicant, other than the Planning Commission or the Board, shall be subject to the same procedures as the original amendment and the requirements of Sect. 301 below.
10. Additional land may be added to an adopted planned residential community if it represents a logical extension of the adopted comprehensive plan and is adjacent thereto. Any addition of land to a planned residential community shown on the adopted comprehensive plan shall be

## FAIRFAX COUNTY ZONING ORDINANCE

subject to the same requirements and procedures as the original amendment except for the minimum requirement of 750 acres.

### **16-202      Rezoning to a PRC District**

1. Following Board approval of the comprehensive plan for a planned residential community, the Board may approve an application for rezoning to a PRC District subject to the provisions of this Part and Part 2 of Article 18. The initial rezoning to establish a PRC District shall contain a minimum land area of 750 contiguous acres under one ownership or control.
2. The rezoning application shall include, in addition to the requirements presented in Sect. 18-202, a development plan. Such rezoning application and development plan shall be in accordance with the adopted comprehensive plan for the planned residential community, the standards set forth in Part 1 above and the PRC District regulations and objectives.
3. The rezoning application and development plan shall be filed with the Zoning Administrator and shall contain the information required by Sect. 302 below. A development plan not filed with the initial submission of the application shall be submitted to the Zoning Administrator within sixty (60) days of the acceptance date of the application. Failure to meet this requirement shall change the acceptance date of the application pursuant to Sect. 18-107, and may be due cause to dismiss the application in accordance with Sect. 18-209.
4. Upon a determination by the Zoning Administrator that the rezoning application and the development plan are complete in accordance with the requirements of Sect. 302 below, the application and plan shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the application and plan shall be submitted to the Planning Commission.
5. The Planning Commission shall consider the rezoning application and development plan in accordance with the adopted comprehensive plan, the standards set forth in Part 1 above and the PRC District regulations and objectives, and shall hold a public hearing thereon. Subsequent to the public hearing, the Commission shall transmit the rezoning application and development plan to the Board with its recommendation to approve, approve with modifications or disapprove.
6. The Board shall consider the rezoning application and development plan in accordance with the adopted comprehensive plan, the standards set forth in Part 1 above and the PRC District regulations and objectives, and shall hold a public hearing thereon.
7. In the event the Board shall approve the rezoning application, the Board shall also approve or approve with modifications or conditions the development plan. Such conditions or modifications may be established by the Board to assure compliance with the standards of Part 1 above and the district regulations. Further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.
8. In the event that the Board shall disapprove the rezoning application, the development plan shall thereby be deemed to be denied.

## DEVELOPMENT PLANS

9. Once a development plan has been approved, all subsequent approvals, uses and structures shall be in substantial conformance with the approved development plan and any development conditions associated with such approval. Should there be cause for amendment of the development plan or any portion thereof, such amendment shall be processed as a new submission. A development plan amendment application may be filed on a portion of the property subject to an approved development plan, upon a determination by the Zoning Administrator that the amendment (a) would not adversely affect the use of the property subject to the development plan and conditions but not incorporated into the amendment application, (b) would not inhibit, adversely affect, or preclude in any manner the fulfillment of the development plan and conditions applicable to the area not incorporated into the amendment application, and (c) would not increase the overall approved density/intensity for the development. The portion of the development plan and previously approved conditions which are not subject to the amendment request shall remain in full force and effect.
10. Additional land may be added to a PRC District by a rezoning application if such land is included within the area of the adopted comprehensive plan, if it represents a logical extension of the area zoned PRC, and if it is adjacent thereto. Any addition of land to the PRC District shall be subject to the same requirements and procedures as the original application except for the minimum requirement of 750 acres.

### 16-203

#### PRC Plan Approval

1. Subsequent to the approval of a rezoning application, a PRC plan shall be required for those uses as set forth in Par. 2 below; provided, however, that upon authorization by the Board, a PRC plan may be filed with the Director concurrently with the filing of a rezoning application. Such PRC plan shall not be approved by the Director until the rezoning application and development plan have been approved by the Board.

All PRC plans shall be in accordance with the approved rezoning and development plan, any conditions or modifications that may have been approved by the Board, the design standards of Sect. 102 above, the applicable objectives and regulations of the PRC District and the provisions of Sect. 303 below.
2. A PRC plan shall be required for all uses, except the following:
  - A. Single family detached dwellings, provided the general street and lot layout are shown on the approved development plan.
  - B. Additions to existing single family attached or detached dwellings or accessory structures related to such existing single family dwellings.
  - C. Additions to existing buildings or uses other than single family dwellings, when such additions do not exceed 2000 square feet or ten (10) percent of the gross floor area of the existing building or use, whichever is less.
  - D. Additions or changes to non-structural site elements such as transitional screening and parking and loading provided the area of such addition or change does not exceed ten (10) percent of the existing area occupied by such site element. Parking redesignation

## FAIRFAX COUNTY ZONING ORDINANCE

plans and parking tabulation revisions shall also be exempt from the requirement for a PRC plan regardless of the area of such change.

- E. Minor accessory structures and uses in open space areas such as benches, gazebos, playground equipment, and bus shelters.
- F. Those special permit uses and special exception uses which do not require a site plan as set forth in Article 8 or Article 9, respectively.
- G. Any permitted use on a temporary basis for a period not to exceed one (1) year.

Notwithstanding the above, a PRC plan shall not be required for additions and alterations to provide an accessibility improvement.

- 3. A PRC plan may be prepared and submitted for the entire planned development at one time or for the various segments thereof, and each such plan shall be submitted in fifteen (15) copies to the Director.
- 4. Any person who submits a PRC plan shall submit written notices to:
  - A. All owners of property abutting and immediately across the street from the subject property. Such notice shall include notice to owners of properties abutting and immediately across the street which lie in an adjoining county or municipality. If there are fewer than five (5) different owners of property abutting and immediately across the street from the subject property, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to different owners of not less than five (5) properties.
  - B. Community-wide citizens organizations, cluster organizations and associations of homeowners set forth on a list supplied by the Director. Such organizations and associations shall have indicated in writing to the Director an interest in receiving such notices.

Such notice shall be sent to the last known address of the owner(s) as shown in the current real estate assessment files and shall be sent by certified mail, return receipt requested. All written notice required by this Paragraph shall include the information listed in Par. 5 below, other than the date posted, and shall state that: (1) any written comments shall be filed with the Director no later than forty-four (44) days after the date of the PRC plan submission; (2) changes and corrections to the PRC plan may occur prior to approval; and (3) persons wishing to be notified of the approval of the plan should submit a written request to that effect to the County office identified in the notice.

Such notice shall be sent by certified mail return receipt requested and shall be postmarked no later than five (5) days after the date of the submission of the PRC plan and the white receipts for the certified mailings shall be submitted to the Director.

A copy of such notice shall also be sent by the Director to the Board Member in whose district the subject property is located at the time of the plan submission.

No PRC plan shall be approved earlier than forty (40) days after the postmark date on the white receipts for the certified mailings. Failure to meet the requirement for written notices to be sent by certified mail no later than five (5) days after the submission date shall



## DEVELOPMENT PLANS

extend the time period for action by the Director by an equivalent number of days from the postmark date of the certified mailings.

5. In addition, a person who submits a PRC plan shall be responsible for posting the exterior boundary of the site. DPWES shall provide the applicant with a notice containing the following information to be posted:
  - A. Notice that a PRC plan has been submitted for approval.
  - B. Address and telephone number of the County office where a copy of the plan may be reviewed.
  - C. PRC plan number.
  - D. Description of use.
  - E. Tax map reference number, street address and location of property.
  - F. Date submitted.
  - G. Date posted.
  - H. Statement that the PRC plan is subject to approval forty-five (45) days after the date of submission.

Such posting shall be accomplished by the applicant no later than ten (10) days after the date of PRC plan submission and an affidavit stating the date of the posting shall be submitted to the Director. Failure to meet the ten (10) day posting requirement shall extend the time period for action by the Director by an equivalent number of days.

6. Upon determination by the Director that the content of the PRC plan is complete in accordance with the requirements of Sect. 303 below, the plan shall be submitted for review and comment to appropriate County departments and agencies.
7. Any interested party may review the PRC plan and may provide written comments to the Director no later than forty-four (44) days after the plan submission date.
8. The Director shall review the comments from the appropriate County departments and agencies, and those that may be submitted by any interested party and take action on the plan as provided for below no later than sixty (60) days after the date when the plan was accepted as complete, except as provided for in Paragraphs 4 and 5 above.
9. The Director shall determine whether the PRC plan meets the criteria of being in substantial conformance with the approved rezoning and development plan, and in accordance with the design standards of Sect. 102 above and the applicable objectives and regulations of the PRC District. Upon a determination that the plan does comply, the Director shall approve the plan. Upon a determination that the plan does not comply, the Director shall disapprove the plan.

## FAIRFAX COUNTY ZONING ORDINANCE

In approving a PRC plan, the Director may establish such conditions and may require such modifications as to assure compliance with the above criteria.

In disapproving a PRC plan, the reasons for disapproval shall be provided in writing on the plan or in a separate document.

10. Should an aggrieved party wish to appeal a decision of the Director for approval, approval with conditions and/or modifications or disapproval of a PRC plan, such appeal shall be filed in writing with the Planning Commission no later than fourteen (14) days after the signature date of the written decision of the Director. The appeal shall provide the basis for appeal and the rationale for the appellant's position. The basis for appeal shall be that the PRC plan is or is not in substantial conformance with the approved rezoning and development plan, or in accordance with the design standards of Sect. 102 above or the applicable objectives or regulations of the PRC District. A copy of the appeal shall be sent by the appellant to the applicant and the owner, if different from the applicant.
11. Within thirty (30) days following receipt of the appeal, the Planning Commission shall exercise one of the following options:
  - A. Schedule a date within sixty (60) days for consideration of the appeal on a finding that it satisfies the requirements set forth in Par. 10 above; or
  - B. Dismiss the appeal on a finding that it does not satisfy the requirements set forth in Par. 10 above.
12. In acting on an appeal, the Planning Commission shall determine whether the PRC plan is in substantial conformance with the approved rezoning and development plan, and in accordance with the design standards of Sect. 102 above and the applicable objectives and regulations of the district. The Planning Commission may affirm or reverse, in whole or in part, or may modify the decision on appeal, to include the establishment of conditions and/or modifications to assure substantial conformance with the rezoning and development plan and accordance with the design standards of Sect. 102 above, and the applicable objectives and regulations of the PRC District.
13. Minor modifications to an approved rezoning and development plan may be permitted in a PRC plan when it is determined by the Zoning Administrator that such are in substantial conformance with the approved rezoning and development plan and that such: are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County; or are accessory uses; or are accessory structures or minor building additions as permitted by Par. 13A(7) or 13B(7) below.
  - A. For approved rezonings and development plans for all uses, other than churches, chapels, temples, synagogues and other such places of worship (hereinafter places of worship) and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:
    - (1) Permit a more intensive use than that approved pursuant to the approved rezoning and development plan; or

## DEVELOPMENT PLANS

- (2) Result in an increased parking requirement, except for any additional parking which may be required for any building additions or modifications permitted under Par. 13A(6) below; or
  - (3) Permit additional uses other than those approved pursuant to the approved rezoning and development plan, except that accessory uses in accordance with this paragraph may be permitted; or
  - (4) Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or
  - (5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
  - (6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or
  - (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:
    - (a) five (5) percent of the approved gross floor area or 500 square feet of gross floor area, whichever is less, when the total gross floor area shown on the approved development plan is less than 50,000 square feet; or
    - (b) one (1) percent of the approved gross floor area when the total gross floor area shown on the approved development plan is 50,000 square feet or more; or
    - (c) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area shown on the approved development plan is 10,000 square feet or less; and
    - (d) the maximum permitted density; or
    - (e) the maximum permitted FAR.
- B. For approved rezonings and development plans for places of worship and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:
- (1) Permit an expansion of the hours of operation from that approved pursuant to the approved rezoning and development plan; or

## FAIRFAX COUNTY ZONING ORDINANCE

- (2) Permit an increase in the number of seats, parking spaces or students, if applicable, which exceeds more than ten (10) percent of the amount approved pursuant to the rezoning and development plan; or
  - (3) Permit uses other than those approved pursuant to the rezoning and development plan, except that accessory uses in accordance with this paragraph may be permitted; or
  - (4) Reduce the effectiveness of approved transitional screening, buffering, and landscaping or open space; or
  - (5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
  - (6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or
  - (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
    - (a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and
    - (b) the maximum permitted FAR for the zoning district shall not be exceeded.
- C. For all approved rezonings and development plans, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
  - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names

## DEVELOPMENT PLANS

and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved development plan, such modification shall require the resubmission and amendment of the development plan in accordance with Sect. 202 above.

14. Notwithstanding Par. 13 above, any modification to provide an accessibility improvement shall be permitted and shall not require approval of a development plan amendment.
15. Once a PRC plan has been approved, any proposed amendment shall be processed in the same manner as the original submission.
16. Approval of a PRC plan shall be valid for three (3) years from the date of approval. However, when a site plan for all or a portion of the area is approved during that period, the approved PRC plan for the corresponding area shall remain valid for the life of the site plan.
17. Preliminary site plans approved prior to December 6, 1994 and preliminary site plans approved pursuant to the grandfather provisions for Zoning Ordinance Amendment #94-263 shall be deemed to be approved PRC plans.

### **16-204 Site Plan/Subdivision Plat Preparation**

1. Site plan and/or subdivision plat approval shall be required subsequent to the approval of the rezoning and development plan and a PRC plan, if required under Sect. 203 above. Submission and approval of such site plans or subdivision plats, the issuance of Building Permits, Residential and/or Non-Residential Use Permits shall be in substantial conformance with the approved rezoning and development plan and the PRC plan, if applicable, and in accordance with the design standards of Sect. 102 above, the applicable objectives and regulations of the PRC District, and the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance.
2. Minor modifications to the approved development plan or approved PRC plan may be permitted in a site plan or subdivision plat in accordance with Paragraphs 13 and 14 of Sect. 203 above. When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved development plan or approved PRC plan, such modification shall require the resubmission and amendment of the development plan or PRC plan in accordance with the applicable procedures set forth above.
3. No Building Permit shall be issued for any construction which requires site plan approval unless a site plan has been approved for same in accordance with the procedures established in Article 17.

## FAIRFAX COUNTY ZONING ORDINANCE

## DEVELOPMENT PLANS

### **PART 3     16-300   SUBMISSION REQUIREMENTS FOR A PRC DISTRICT**

#### **16-301     Comprehensive Plan Amendment**

The submission of a proposed amendment to the adopted comprehensive plan of the County to permit a planned residential community as required by Sect. 201 above shall be filed with the Director of the Department of Planning and Zoning (DPZ) in ten (10) copies and shall include the information set forth below. All submission requirements shall become the property of the County.

Once established, the submission requirements for any amendment to the adopted planned residential community comprehensive plan initiated by an applicant, other than the Planning Commission or Board, shall be those requirements deemed necessary for a review of such amendment, as determined by the Director of DPZ.

1.     The current Fairfax County Zoning Map Section Sheets outlining the application area, at a scale of one inch equals five hundred feet (1" = 500') and a listing of the tax map reference numbers.
2.     A statement explaining the relationship of the planned residential community to the adopted comprehensive plan of the County.
3.     The proposed densities of population and the proposed number of dwelling units in low density, medium density and high density residential areas.
4.     The general location and intensity of proposed neighborhood convenience centers, village centers, town centers and convention/conference centers.
5.     The general location of proposed major open space and recreation areas, including the nature of proposed recreational facilities and parks.
6.     The general location of public or community uses including schools and places of worship.
7.     The general location and character of the proposed major roads, public transportation, trails, public utility and storm drainage systems.
8.     A statement setting forth the proposed general development schedule.
9.     A statement of the public facilities, roadway improvements, and public utilities that will be required to serve the planned residential community.
10.    Any additional information as deemed necessary by the Director of DPZ.

#### **16-302     Development Plan**

In addition to the requirements set forth in Sect. 18-202 that shall accompany an application for a rezoning, a development plan, including any resubmissions and supporting graphics, shall be filed with the Zoning Administrator in twenty-three (23) copies and shall include the information set forth below. The Planning Commission or Board of Supervisors, in its review of the development plan, may request additional information in order to evaluate the impact of the proposed development on the surrounding area. All maps or plans submitted as part of a development plan

## FAIRFAX COUNTY ZONING ORDINANCE

shall be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. One 8 ½" x 11" reduction of the development plan and supporting graphics shall also be submitted. All submission requirements shall become the property of the County.

The sheet size and scale of a development plan may be modified by the Zoning Administrator, based on the nature and/or size of the application. In addition, the submission requirements for any amendment to an approved development plan shall be those requirements deemed necessary for a review of such amendment, as determined by the Zoning Administrator.

1. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').
2. A statement which confirms the ownership or control of the subject property, and the nature of the applicant's interest in the same.
3. A map of the existing topography with a maximum contour interval of two (2) feet and a statement indicating whether it is air survey or field run.
4. A plan at a scale of not less than one inch equals one hundred feet (1" = 100'), showing:
  - A. Scale and north arrow, with north, to the extent feasible, oriented to top of the plan and on all supporting graphics.
  - B. The general location of all proposed land uses, including neighborhood convenience, village, convention/conference and town centers.
  - C. The proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths, and the location of all trails required by the adopted comprehensive plan.
  - D. All proposed major open space areas and the approximate location of all proposed community and public facilities.
  - E. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished; the delineation of any Resource Protection Area and Resource Management Area, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.
  - F. The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - G. A schedule showing the approximate number of parking spaces provided and the number required by the provisions of Article 11.
  - H. A tabular statement setting forth the maximum number of dwelling units proposed by type, the corresponding population totals based on the computation factors set forth in Sect. 6-308, the maximum density calculation based on the provisions of Sect. 2-308, and the range of approximate lot sizes for single family detached dwellings.



## DEVELOPMENT PLANS

- I. The maximum gross floor area and FAR proposed for all uses other than dwellings.
- J. The maximum building height in feet for all structures.
- K. The approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.
- L. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:
  - (1) A graphic depicting:
    - (a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.
    - (b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.
    - (c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.
    - (d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.
    - (e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.
    - (f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.
  - (2) A preliminary stormwater management narrative setting forth the following:
    - (a) Description of how the detention and best management practice requirements will be met.

## FAIRFAX COUNTY ZONING ORDINANCE

- (b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.
  - (c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.
  - (d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.
- 5. For the residential component of an application, five (5) copies of a map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.
- 6. A statement of those special amenities that shall be provided within the planned development.
- 7. A report setting forth the proposed development schedule, indicating the general sequence of development of the various sections.
- 8. If the proposal includes the request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Sect. 2-414, a study showing projected noise impacts, proposed mitigation measures and the effectiveness of such measures shall be submitted.
- 9. A statement explaining the relationship of the general sequence of development of the planned residential community to the adopted Capital Improvement Program of the County.
- 10. Where applicable, any other information as may be required by the provisions of Article 7.
- 11. The development plan for the initial establishment of a PRC District shall comply with the above submission requirements except that, at the applicant's option, the following revised provisions may apply:
  - A. Par. 4C above may be modified to require the approximate location of the features specified for the traffic circulation plan.
  - B. Par. 4H above may be modified to require the approximate number, type and density of dwelling units in the areas designated for residential use.
  - C. Par. 4I above may be modified to require the approximate maximum gross floor area and FAR for all uses other than dwellings.
  - D. Paragraphs 4G and 4J above shall not be required.

## DEVELOPMENT PLANS

### 16-303 PRC Plan

A PRC plan shall be filed with the Director in fifteen (15) copies, and shall include the information set forth below. A PRC plan or portion thereof involving engineering, architecture, landscape architecture or land surveying shall be respectively certified by an engineer, architect, landscape architect or land surveyor authorized by the State to practice as such. All maps, plans, sketches and illustrations submitted as part of a PRC plan shall be presented on a sheet having a size of 24" x 36". If presented on more than one (1) sheet, match lines shall clearly indicate where several sheets join. The submission requirements for any amendment to an approved PRC plan shall be those requirements deemed necessary for a review of such amendment as determined by the Director. All submission requirements shall become the property of the County.

1. A plan at a scale of not less than one inch equals one hundred feet (1" = 100') showing:
  - A. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').
  - B. A boundary survey of the property, with an error of closure within the limit of one (1) in twenty thousand (20,000) related to true meridian, and showing the location and type of boundary evidence. The survey may be related to the U.S.C. & G.S., State grid north, if the coordinates of two (2) adjacent corners are shown. Such information may be obtained from recorded plats in the case of lots and subdivisions recorded subsequent to September 1, 1947.
  - C. Total area of the property.
  - D. Scale and north arrow.
  - E. Existing topography with a maximum contour interval of two (2) feet.
  - F. The general location and arrangement of all existing or proposed buildings and uses on the site and, if known, on adjacent properties.
  - G. The approximate height in feet of all buildings and number of floors of all buildings other than single family dwellings on the site and, if known, on adjacent properties.
  - H. The approximate distances of all structures from the development boundaries as shown on the PRC plan and abutting streets.
  - I. The traffic circulation system showing the location of existing, platted and proposed streets and easements including names and route numbers, the approximate width and typical cross sections including acceleration, deceleration and turn lanes, service drives, entrances to parking areas and parking structures, the location and width of pedestrian walkways, bicycle paths and/or bridle paths, and all trails required by the adopted comprehensive plan.
  - J. The off-street parking and loading areas and structures with typical space and aisle dimensions.

## FAIRFAX COUNTY ZONING ORDINANCE

- K. The open space areas, identifying the proposed general treatment or improvement of all such areas, delineating those areas proposed for recreational facilities and delineating any Resource Protection Area and Resource Management Area.
- L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County.
- M. General location and anticipated types of recreational facilities.
- N. A plan or statement showing how public utilities are or will be provided. In addition, the approximate location of existing and proposed storm and sanitary sewer lines shall be shown.
- O. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff from the site will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:
  - (1) A graphic depicting:
    - (a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.
    - (b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.
    - (c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.
    - (d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.
    - (e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.
    - (f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.

## DEVELOPMENT PLANS

- (2) A preliminary stormwater management narrative setting forth the following:
  - (a) Description of how the detention and best management practice requirements will be met.
  - (b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.
  - (c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.
  - (d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.
- P. The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- Q. Approximate delineation of any grave, object or structure marking a burial site if known, and a statement indicating how the proposed development will impact the burial site.
2. A statement in tabular form which sets forth the following data, when such data is applicable to a given PRC plan:
  - A. Total number of dwelling units by type to include the corresponding population totals and density type based on the computation factors set forth in Sect. 6-308 and the maximum density provisions of Sect. 2-308.
  - B. Approximate total gross floor area and FAR for all uses other than dwellings.
  - C. Approximate total area in open space.
  - D. A schedule showing the total number of parking and loading spaces provided and the number required by the provisions of Article 11.
3. A map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.
4. A statement of the architectural concepts and typical bulk of the proposed structures, and if available, schematic architectural sketches.

## FAIRFAX COUNTY ZONING ORDINANCE

5. A statement of the landscaping concepts, proposed screening measures and proposed tree cover indicating compliance with the tree cover provisions of the Public Facilities Manual.
6. When the development is to be constructed in sections, a proposed sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.
7. Identification of the necessity for floodplain studies, drainage studies, soil reports and for easements and/or letters of permission for off-site construction.
8. Where applicable, any other information as may be required by the provisions of Article 7.

## DEVELOPMENT PLANS

### **PART 4      16-400      PROCEDURES FOR REVIEW AND APPROVAL OF ALL P DISTRICTS EXCEPT THE PRC DISTRICT**

All proposed developments of a P district as permitted under Article 6, except for the PRC District, shall be subject to the following procedures for review and approval.

#### **16-401      Conceptual Development Plan Approval**

1. An application for rezoning to a P district other than the PRC District shall include twenty-three (23) copies of a conceptual development plan. A conceptual development plan not filed with the initial submission of the application shall be submitted within sixty (60) days of the acceptance date of the application. Failure to meet this requirement shall change the acceptance date of the application pursuant to Sect. 18-107, may be due cause to delay the processing of the application in accordance with Sect. 18-107, and may be due cause to dismiss the application in accordance with the provisions of Sect. 18-209.
2. In addition to the rezoning application requirements presented in Sect. 18-202, the conceptual development plan shall contain the information required by Sect. 501 below, together with such supplementary data for a particular development that may be deemed necessary by the Zoning Administrator.
3. Upon determination by the Zoning Administrator that the content of the conceptual development plan is complete in accordance with the requirements of Sect. 501 below, the plan and the application shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the plan and application shall be submitted to the Planning Commission.
4. The Planning Commission shall promptly consider the conceptual development plan and the rezoning application in accordance with the applicable zoning district regulations and shall hold a public hearing thereon.
5. Subsequent to the public hearing, the Planning Commission shall transmit the conceptual development plan and application to the Board, together with its recommendations as to approval or disapproval. The Planning Commission transmittal shall contain specific recommendations on the submission requirements set forth in Par. 1 through 5 of Sect. 501 below.
6. The Board shall consider the conceptual development plan and application for rezoning in accordance with the applicable zoning district regulations and shall hold a public hearing thereon. The Board shall approve, approve with modifications or disapprove the conceptual development plan.
7. In approving a conceptual development plan, the Board may establish such conditions and may require such modifications as shall assure compliance with the standards and regulations of the subject district; and further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.
8. In approving a conceptual development plan, the Board may authorize a variance in the strict application of specific zoning district regulations whenever:

## FAIRFAX COUNTY ZONING ORDINANCE

- A. Such strict application would inhibit or frustrate the purpose and intent for establishing such a zoning district; and
- B. Such variance would promote and comply with the standards set forth in Part 1 above.

In no case, however, shall the maximum density provisions under the PDH District and the maximum floor area ratio provisions under the PDC and PRM Districts be varied or modified.

- 9. In the event the Board shall disapprove the rezoning application, the conceptual development plan shall thereby be deemed to be denied.
- 10. In the event that the Board shall approve the rezoning application, the Board shall also approve or approve with modifications or conditions the conceptual development plan.
- 11. Once a conceptual development plan has been approved, all subsequent approvals, uses and structures shall be in substantial conformance with the approved conceptual development plan and any development conditions associated with such approval. Should there be cause for amendment of the conceptual development plan or any portion thereof, such amendment shall be processed as a new submission; provided, however, that the Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the conceptual development plan amendment application. A conceptual development plan amendment application may be filed on a portion of the property subject to an approved conceptual development plan, upon a determination by the Zoning Administrator that the amendment (a) would not adversely affect the use of the property subject to the conceptual development plan and conditions but not incorporated into the amendment application, (b) would not inhibit, adversely affect, or preclude in any manner the fulfillment of the conceptual development plan and conditions applicable to the area not incorporated into the amendment application, and (c) would not increase the overall approved density/intensity for the development. The portion of the conceptual development plan and previously approved conditions which are not subject to the amendment request shall remain in full force and effect.
- 12. Any development plan approved in conjunction with a PDH or PDC rezoning action prior to May 19, 1975 shall be deemed to be both an approved conceptual and final development plan.

### 16-402

#### **Final Development Plan Approval**

- 1. The granting of a rezoning application to a P district, and the approval of its accompanying conceptual development plan by the Board, shall constitute authority for the applicant to prepare a final development plan; however, a final development plan may be filed with and included in the processing of the rezoning application and conceptual development plan. All final development plans shall be prepared in accordance with the approved conceptual development plan, any conditions as may have been adopted by the Board, and the provisions of Sect. 502 below.



## DEVELOPMENT PLANS

2. A final development plan may be prepared and submitted for the entire planned development at one time or for sections of the planned development, and each such plan shall be submitted to the Zoning Administrator in twenty-three (23) copies.
3. Upon determination by the Zoning Administrator that the content of the final development plan is complete in accordance with the requirements of Sect. 502 below, the plan shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the plan shall be submitted to the Planning Commission.
4. The Planning Commission shall hold a public hearing on the final development plan no later than six (6) months from the date the Zoning Administrator determined that such plan was complete in accordance with the requirements of Sect. 502 below. The Commission shall consider the final development plan in accordance with the approved conceptual development plan, and shall determine if said plan does comply with the applicable zoning district regulations. Upon the determination that the final development plan is in accordance and does comply, the Planning Commission shall approve, or approve with modifications, the final development plan. Such approval shall be deemed to be the final approval, subject only to appeal to the Board as provided for in Par. 9 below.
5. In approving a final development plan, the Planning Commission may establish such conditions and may require such modifications as will assure compliance with the standards and regulations of the subject district, and with the approved conceptual development plan. Further, the Planning Commission may recommend to the Board the waiver of any zoning and subdivision requirements otherwise applicable to the development where it is found that such waiver would be in conformance with said standards and regulations.
6. In the event that the Planning Commission finds that the final development plan is not in accordance with the approved conceptual development plan, or does not comply with the applicable zoning district regulations, it shall recommend the disapproval of the final development plan and forward such recommendation to the Board.
7. The Board shall hold a public hearing on the final development plan and shall approve, approve with modifications, or disapprove the final development plan. In approving the final development plan, the Board may establish such conditions and may require such modifications as will assure compliance with the standards and regulations of the subject district, and with the approved conceptual development plan. Zoning and subdivision requirements otherwise applicable to the development may be waived by the Board where it finds that such waiver would be in conformance with said standards and regulations.
8. In the event that the Board shall uphold a recommendation of the Planning Commission to disapprove the final development plan, such action shall be cause for the applicant to prepare a revised development plan unless the provisions of Par. 9 below are applied.
9. In the event that an aggrieved party wishes to appeal a Planning Commission decision for approval or approval with modifications of a final development plan, such appeal shall be filed with the Board within ten (10) days after the decision of the Commission. The appeal shall be by written petition to the Board setting forth the reasons for the appeal. The basis

## FAIRFAX COUNTY ZONING ORDINANCE

for an appeal shall be that the final development plan is or is not in substantial conformity with the approved conceptual development plan.

10. Once a final development plan has been approved, all subsequent approvals, uses and structures shall be in substantial conformance with the approved final development plan and any development conditions associated with such approval. Should there be cause for amendment of the final development plan, such amendment shall be processed as follows:
  - A. Upon a determination by the Zoning Administrator that the amendment will result in a final development plan which is still in accordance with the approved conceptual development plan, then such amendment shall be processed in accordance with the provisions of this Section.
  - B. Upon a determination by the Zoning Administrator that the amendment will cause the final development plan to be not in accordance with the approved conceptual development plan, then an amendment to the conceptual development plan shall be required in accordance with the provisions of Par. 11 of Sect. 401 above. The amendment to the final development plan shall also be the subject of review by the Planning Commission in accordance with the provisions of this Section.
  - C. The Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the final development plan amendment application.
  - D. A final development plan amendment application may be filed on a portion of the property subject to an approved final development plan, upon a determination by the Zoning Administrator that the amendment (a) would not adversely affect the use of the property subject to the final development plan and conditions but not incorporated into the amendment application, (b) would not inhibit, adversely affect, or preclude in any manner the fulfillment of the final development plan and conditions applicable to the area not incorporated into the amendment application, and (c) would not increase the overall approved density/intensity for the development. The portion of the final development plan and previously approved conditions which are not subject to the amendment request shall remain in full force and effect.
11. Any development plan approved in conjunction with a PDH or PDC rezoning action prior to May 19, 1975 shall be deemed to be both an approved conceptual and final development plan.

### **16-403 Site Plan/Subdivision Plat Preparation, Building Permit, Residential Use Permit and Non-Residential Use Permit**

Approval of a final development plan shall be a prerequisite and shall constitute authority for the applicant to prepare a site plan or a subdivision plat. Approval of site plans or subdivision plats and the issuance of Building Permits, Residential and/or Non-Residential Use Permits shall be in substantial conformance with the final development plan, and in accordance with the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, and the following:

## DEVELOPMENT PLANS

1. Separate site plans or subdivision plats shall be submitted for each section of the planned development in accordance with the approved final development plan.
2. When a planned development is to be constructed in sections, the total area of open space provided at any stage of development shall bear substantially the same relationship to the total open space to be provided in the entire planned development as the sections completed or under development bear to the entire planned development.
3. Minor deviations from the provisions of this Ordinance and Chapter 101 of The Code, The Subdivision Ordinance, may be permitted, but only where such deviations are indicated on the approved final development plan.
4. Minor modifications to an approved final development plan may be permitted when it is determined by the Zoning Administrator that such are in substantial conformance with the approved final development plan and that such: are in response to issues of topography, drainage, underground utilities, structural safety, layout, design, vehicular circulation, or requirements of the Virginia Department of Transportation or Fairfax County; or are accessory uses; or are accessory structures or minor building additions as permitted by Par. 4A(7) or 4(B)7 below.
  - A. For approved final development plans for all uses, other than churches, chapels, temples, synagogues and other such places of worship (hereinafter places of worship) and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:
    - (1) Permit a more intensive use than that approved pursuant to the approved conceptual development plan, final development plan or any applicable proffers or development conditions; or
    - (2) Result in an increased parking requirement, except for any additional parking which may be required for any building additions or modifications permitted under Par. 4A(6) below; or
    - (3) Permit additional uses other than those approved pursuant to the approved conceptual development plan, final development plan, or any applicable proffers or development conditions, except that accessory uses in accordance with this paragraph may be permitted; or
    - (4) Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or
    - (5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
    - (6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or

## FAIRFAX COUNTY ZONING ORDINANCE

- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use and minor additions to buildings may be permitted, provided that the sum total of all such structures or additions shall not exceed the following:
  - (a) five (5) percent of the approved gross floor area or 500 square feet of gross floor area, whichever is less, when the total gross floor area shown on the approved final development plan is less than 50,000 square feet; or
  - (b) one (1) percent of the approved gross floor area when the total gross floor area shown on the approved final development plan is 50,000 square feet or more; or
  - (c) 250 square feet of gross floor area of accessory storage structure uses when the total gross floor area shown on the approved final development plan is 10,000 square feet or less; and
  - (d) the land area designated for commercial uses in the PDH District or the maximum FAR provisions in the PDC and PRM Districts; or
  - (e) the maximum permitted density.
- B. For approved final development plans for places of worship and places of worship with a child care center, nursery school or private school of general or special education, the modifications shall, in no event:
  - (1) Permit an expansion of the hours of operation from that approved pursuant to the approved conceptual development plan, final development plan or any applicable proffers or development conditions; or
  - (2) Permit an increase in the number of seats, parking spaces or students, if applicable, which exceeds more than ten (10) percent of the amount approved pursuant to the conceptual development plan, final development plan or any applicable proffers or development conditions; or
  - (3) Permit uses other than those approved pursuant to the conceptual development plan, final development plan, or any applicable proffers or development conditions, except that accessory uses in accordance with this paragraph may be permitted; or
  - (4) Reduce the effectiveness of approved transitional screening, buffering, and landscaping or open space; or
  - (5) Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or

## DEVELOPMENT PLANS

- (6) Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or
  - (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
    - (a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and
    - (b) the maximum permitted FAR for the zoning district shall not be exceeded.
- C. For all approved final development plans, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
  - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved final development plan, such modification shall require the resubmission and amendment of the final development plan in accordance with Sect. 402 above.

- 5. Notwithstanding the above, any modification to an approved final development plan to provide an accessibility improvement shall be permitted and shall not require approval of an amendment to the final development plan.
- 6. Notwithstanding the above, any alteration to a single family dwelling unit shall be governed by the regulations of that R zoning district which most closely characterizes the given

## FAIRFAX COUNTY ZONING ORDINANCE

development as determined by the Zoning Administrator. If, however, the desired alteration is not in substantial conformance with the approved final development plan, such alteration shall be allowed only after amendment of the final development plan in accordance with the provisions set forth in Sect. 402 above.

### **16-404 Required Recreational Facilities in PDH, Planned Development Housing, PDC, Planned Development Commercial and PRM, Planned Residential Mixed Use Districts**

Required recreational facilities shall include either active recreation facilities such as tennis courts, swimming pools, children playgrounds, tot lots or ballfields, or passive recreation and site amenities such as gazebos, picnic areas, trails and nature walks, but not including landscape plantings, trails identified on the adopted comprehensive plan or sidewalks required by the Public Facilities Manual.

1. For recreational facilities to be constructed on-site by the developer, the facilities shall be shown on the site plan or subdivision/construction plan, as applicable, in substantial conformance with the approved final development plan and the following shall apply, unless otherwise modified by the Board at the time of zoning approval:
  - A. For single section developments, or multiple section developments where required recreational facilities are to be provided in the first section of the development, such facilities shall have an executed security package prior to:
    - (1) final subdivision plat approval for single family dwelling developments; or
    - (2) issuance of construction permits for multiple family dwelling developments; single family attached dwelling developments not subject to subdivision approval; or combination single family attached dwellings subject to subdivision approval and multiple family dwelling developments.
  - B. For multiple section developments where the required recreational facilities are not to be constructed in the first section of the development and the estimated cost of the approved recreational facilities exceeds \$50,000, prior to issuance of Building Permits for more than fifty (50) percent of the total number of dwelling units, there shall either be:
    - (1) an executed security package for the recreational facilities, or
    - (2) a future construction escrow posted in the amount equivalent to the pro rata share (of the facilities shown on the approved final development plan) for the total number of units for which Building Permits have been issued and are being sought. Upon execution of the security package for the recreational facilities, the construction escrow with interest shall be paid to the developer.

Approved recreational facilities of \$50,000 or less shall be constructed or have an executed security package prior to site plan or final subdivision plat approval of the final section.

## DEVELOPMENT PLANS

2. At the time of zoning, the Board may approve the provision of recreational facilities off-site on land in proximity to the proposed development, which land is titled to or is to be dedicated to the County, the Fairfax County Park Authority or on land under the control of an adjacent homeowners' association. The applicant shall submit a written justification for such off-site location and evidence that the future residents of the development shall have the right to use the recreational facilities at such off-site location. The Board may approve such a request upon a determination that it would be infeasible or impractical to provide the required recreational facilities on-site or that the off-site location would better serve the residents of the development.

At the designated off-site location, the applicant, upon Board approval, may either design and construct the recreational facilities or make a cash contribution to the County, the Fairfax County Park Authority or the homeowners' association, which shall be in accordance with the approved per dwelling unit expenditure. Additionally, the following shall apply:

- A. If the requirement for the proposed development is to be satisfied off-site on land owned by an adjacent homeowners' association, then a document, subject to County Attorney review and approval, which grants the right of future residents of the proposed development to use such off-site facilities shall be recorded among the Fairfax County land records prior to final subdivision plat approval or site plan approval, as applicable.
- B. If the recreational facilities are to be constructed off-site, the applicant shall submit documentation, which shall be subject to County Attorney review and approval, that there will be the right to construct the facilities at the selected off-site location and that the future residents of the proposed development shall have the right to use such facilities. The timing of such off-site construction shall be proposed by the applicant and approved by the Board at the time of zoning approval.
- C. If a cash contribution is to be made, it shall be in accordance with the following:
  - (1) The cash contribution equivalent to the approved per dwelling unit expenditure shall be made to either the County, the Fairfax County Park Authority or to an adjacent homeowners' association, as applicable, for the expressed purpose of providing additional recreational facilities, and/or renovating or increasing the user capacity of existing facilities. At the time of zoning, the applicant shall have established that the County, the Fairfax County Park Authority or homeowners' association, as applicable, has agreed to and has the right to receive such a cash contribution and, if the cash contribution is to be made to an adjacent homeowners' association, the proposed use of the cash contribution shall be specified.
  - (2) The cash contribution equivalent to the approved per dwelling unit expenditure shall be made prior to the issuance of a Building Permit for each dwelling unit in the proposed development.

## FAIRFAX COUNTY ZONING ORDINANCE



## DEVELOPMENT PLANS

### **PART 5      16-500      SUBMISSION REQUIREMENTS FOR ALL P DISTRICTS EXCEPT THE PRC DISTRICT**

#### **16-501      Conceptual Development Plan**

In addition to those requirements set forth in Sect. 18-202 that shall accompany an application for a rezoning, a conceptual development plan, certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State, including any resubmissions and supporting graphics, shall be filed with the Zoning Administrator in twenty-three (23) copies and shall include the following information. All maps or plans submitted as part of a conceptual development plan shall be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. One 8 ½" x 11" reduction of the conceptual development plan and supporting graphics shall also be submitted. All submission requirements shall become the property of the County.

1. A plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), showing:
  - A. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').
  - B. A statement which confirms the ownership of the subject property, and the nature of the applicant's interest in same.
  - C. Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is air survey or field run.
  - D. Scale and north arrow, with north, to the extent feasible, oriented to the top of all drawings.
  - E. Except for single family detached dwellings, the approximate location and arrangement of all proposed structures and uses to include the maximum height in feet of all structures and penthouses, and a graphic depiction of the angle of bulk plane, if applicable.
  - F. The proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths, and the location of all trails required by the adopted comprehensive plan.
  - G. All proposed major open space areas and the approximate location of all proposed community and public facilities.
  - H. A schedule showing the number of parking spaces provided and the number required by the provisions of Article 11.
  - I. Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.

## FAIRFAX COUNTY ZONING ORDINANCE

- J. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan.
- K. A delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.
- L. Approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- M. The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- N. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.
- O. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.
- P. A statement explaining the relationship of the planned development to the adopted comprehensive plan of the County.
- Q. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measures of screening, and dimensions of all peripheral yards that will be provided.
- R. A delineation of all existing structures, and an indication of their date of construction if known, and whether they will be retained or demolished.
- S. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential.
- T. A statement or presentation setting forth the maximum number of dwelling units proposed, to include the density calculations based on the provisions of Sect. 2-308, those units obtained by the use of bonus provisions, and a breakdown of the approximate number of units by type and the range of approximate lot sizes for single family detached dwellings.
- U. A statement or presentation of the open space calculations based on the provisions of Sect. 2-309.

## DEVELOPMENT PLANS

- V. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

If the proposal includes the request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Sect. 2-414, a study showing projected noise impacts, proposed mitigation measures and effectiveness of such measures shall be submitted.

- W. A statement of those special amenities that shall be provided within the planned development.

- X. A statement setting forth the proposed approximate development schedule.

2. For the residential component of an application, five (5) copies of a map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.
3. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.
4. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.
5. Where applicable, any other information as may be required by the provisions of Article 7.

The sheet size and scale of a conceptual development plan may be modified by the Zoning Administrator, based on the nature and/or size of the application.

### **16-502 Final Development Plan**

A final development plan prepared in accordance with the approved conceptual development plan and certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State shall be filed with the Zoning Administrator in twenty-three (23) copies, including any resubmissions of the plan and supporting graphics. All maps, plans, sketches and illustrations submitted as part of a final development plan shall be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. One 8 ½" x 11" reduction of the final development plan and supporting graphics shall also be submitted. All submission requirements shall become the property of the County. Such plan shall contain the following information:

1. A final plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), showing:

## FAIRFAX COUNTY ZONING ORDINANCE

- A. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').
- B. Bearings and distances of the perimeter property lines.
- C. Total area of property presented in square feet or acres.
- D. Scale and north arrow, with north, to the extent feasible, oriented to the top of all drawings.
- E. Names and route numbers of boundary streets and the width of existing right(s)-of-way. Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.
- F. Existing topography and a statement indicating whether it is air survey or field run, with a maximum contour interval of two (2) feet; except where existing ground is on a slope of less than two (2) percent, then either one (1) foot contours or spot elevations shall be provided where necessary, but not more than fifty (50) feet apart in both directions.
- G. The location and arrangement of all proposed uses, including a preliminary subdivision layout, if subdivision is proposed.
- H. For other than single family dwellings, the maximum height in feet, to include penthouses, of all buildings, and the number of floors both above and below or partially below finished grade.
- I. The distances of all structures from the development boundaries and streets.
- J. A graphic depiction of the angle of bulk plane, if applicable.
- K. The traffic circulation system and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways, bicycle paths and/or bridle paths, and all trails required by the adopted comprehensive plan.
- L. The off-street parking and loading areas and structures.
- M. The open space areas, specifying the proposed treatment or improvement of all such areas and delineating those areas proposed for specific types of developed recreational facilities.
- N. A landscape plan showing the limits of clearing, location and design of all screening measures, indicating the type and height of such screening, and a delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.

## DEVELOPMENT PLANS

- O. Approximate delineation of any grave, object or structure marking a burial site if known, and a statement indicating how the proposed development will impact the burial site.
- P. A plan or statement showing how public utilities are, or will be, provided.
- Q. Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff from the site will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:
  - (1) A graphic depicting:
    - (a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.
    - (b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.
    - (c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.
    - (d) The approximate location or locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.
    - (e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.
    - (f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.
  - (2) A preliminary stormwater management narrative setting forth the following:
    - (a) Description of how the detention and best management practice requirements will be met.

## FAIRFAX COUNTY ZONING ORDINANCE

- (b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.
    - (c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.
    - (d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.
  - R. The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - S. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - T. When the development is to be constructed in sections, a final sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.
2. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
- A. Total number of dwelling units by type.
  - B. Residential density in units per acre.
  - C. Total floor area and floor area ratio for each type of use, except residential uses.
  - D. Total area in open space.
  - E. Total area in developed recreational open space.
  - F. Total number of off-street parking and loading spaces provided and the number required by the provisions of Article 11.

## DEVELOPMENT PLANS

- G. Amount of density or floor area applied for under the bonus provisions, and the calculations supporting the specific development provisions giving rise to such bonus application.

## FAIRFAX COUNTY ZONING ORDINANCE

3. For the residential component of an application, five (5) copies of a map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.
4. Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs.
5. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.
6. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.
7. When a final development plan is not submitted in conjunction with a conceptual development plan, an affidavit is required, as presented on an affidavit form approved by the Board of Supervisors and provided by the County, completed, signed by the applicant or the applicant's authorized agent and notarized, including a statement indicating whether or not a member of the Board or Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership in stock in a corporation owning such land, or through an interest in a partnership owning such land. If the applicant's agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act in such capacity.

Prior to each public hearing on the application, the applicant shall reaffirm the affidavit required by this Paragraph in accordance with the reaffirmation procedure outlined on the affidavit form approved by the Board of Supervisors and provided by the County.
8. Where applicable, any other information as may be required by the provisions of Article 7.

The sheet size and scale of a final development plan may be modified by the Zoning Administrator, based on the nature and/or size of the application.